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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 JOHN MONTUE,

10 Petitioner,

No. CIV S-04-1697 FCD JFM P

11 vs.

12 WARDEN SCHWARTZ,

13 Respondent.

ORDER

14 \_\_\_\_\_/  
15 Petitioner, a state prisoner proceeding through counsel, has filed this application  
16 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United  
17 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

18 On April 1, 2008, the magistrate judge filed findings and recommendations herein  
19 which were served on all parties and which contained notice to all parties that any objections to  
20 the findings and recommendations were to be filed within twenty days.

21 On April 23, 2008, petitioner filed a pro se request for an extension of time to file  
22 and serve objections to the April 1, 2008 findings and recommendations, as well as a pro se  
23 request to relieve the Federal Defender as petitioner's attorney of record and return petitioner to  
24 pro se status. Petitioner contends that the Federal Defender does not plan to file objections on  
25 petitioner's behalf. Good cause appearing, petitioner's pro se requests will be granted. Local  
26 Rule 83-182(d).

1 On May 5, 2008, petitioner filed objections to the findings and recommendations.  
2 In light of the above, these objections are deemed timely filed. On May 8, 2008, respondent  
3 filed a reply.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
5 304, this court has conducted a de novo review of this case. Having carefully reviewed the  
6 entire file, the court finds the findings and recommendations to be supported by the record and  
7 by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Petitioner's April 23, 2008 pro se request to have the Federal Defender  
10 relieved as attorney of record and return petitioner to pro se status is granted; the Office of the  
11 Federal Defender and Assistant Federal Defender Monica Knox are relieved as counsel for  
12 petitioner. All future documents concerning this case shall be served on petitioner in propria  
13 persona.

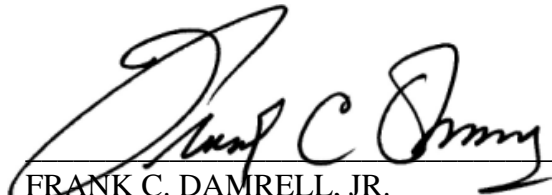
14 2. Petitioner's April 23, 2008 request for an extension of time is granted;  
15 petitioner's May 5, 2008 objections are deemed timely filed.

16 3. The Clerk of the Court is directed to serve a copy of this order on Monica  
17 Knox, Assistant Federal Defender, 801 I Street, Sacramento, CA 95814, and on John C.  
18 Montue, C-05994, 900 Quebec Avenue, Corcoran, CA 93212.

19 4. The findings and recommendations filed April 1, 2008, are adopted in full; and

20 5. Petitioner's application for a writ of habeas corpus is denied.

21 DATED: May 29, 2008.

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FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE  
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